

VZCZCXRO9772
OO RUEHCI
DE RUEHKT #1064/01 1501102
ZNY CCCCC ZZH
O 301102Z MAY 07
FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6101
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 5774
RUEHLM/AMEMBASSY COLOMBO PRIORITY 6081
RUEHKA/AMEMBASSY DHAKA PRIORITY 1311
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4106
RUEHLO/AMEMBASSY LONDON PRIORITY 5387
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1514
RUEHCI/AMCONSUL KOLKATA PRIORITY 3519
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2709
RUEKJCS/SECDEF WASHDC PRIORITY
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 001064

SIPDIS

SIPDIS

E.O. 12958: DECL: 05/29/2017

TAGS: [PGOV](#) [PTER](#) [KDEM](#) [UN](#) [NP](#)

SUBJECT: NEPAL: PURE PROPORTIONAL SYSTEM FOR CONSTITUENT
ASSEMBLY POSSIBLE?

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

Summary

11. (C) In two recent meetings, IFES Country Representative Peter Erben told the Acting Deputy Chief of Mission that the Government of Nepal's agenda for the Constituent Assembly election was largely stalled. Certain steps, such as the registration of political parties, were moving ahead, but many important issues remained unresolved, notably declaration of a new election date. The Constituency Delineation Commission's determination of constituency boundaries continued to be extremely controversial. The crucial Constituent Assembly Member Bill was also held up in the Interim Parliament. The result, Erben noted, was increasing popular agitation coupled with growing apathy among Election Commission officials. He suggested that, ultimately, the GON might be compelled to drop the existing "mixed" system of first-past-the-post seats and proportional seats for a pure proportional system.

Constituent Assembly Election Preparations Stymied

12. (C) In meetings in early May and on May 25, IFES Country Representative Peter Erben informed the Acting Deputy Chief of Mission that preparations for the Constituent Assembly election were not going anywhere. As Erben noted in the latter session, it had been more than six weeks since the Election Commission had publicly informed Prime Minister Girija Prasad Koirala that it would not be possible to hold the election as planned in June, but, as of yet, it had been impossible for the governing Eight-Party Alliance to agree on a new date. Part of the problem, Erben noted May 25, was that the Interim Parliament had not been able to meet for over a month. Agitation by Madhesi, and previously Maoist, Members of Parliament had meant that the Parliament had not held a general session since April 18. For the previous month, Erben added, cabinet meetings had been rare and there had been no Eight-Party meeting in weeks. Meanwhile, the parties had been sending mixed signals. Some were calling for elections as soon as possible. Meanwhile, Maoist chief Pushpa Kamal Dahal (aka Prachanda) had suggested more than once that the elections be postponed until April 2008.

Unfortunately, the debate over the election date had gotten tied up with the debate over the Maoist demand for Nepal to be declared a republic.

Registration of Parties Moving Ahead

¶3. (C) Erben explained in his early May meeting with the A/DCM that a total of 62 parties had registered to contest the Constituent Assembly election's proportional seats, more than the Election Commission had expected. The fourteen parties that were already in the Parliament were grandfathered in, but all the other parties had to present at least 10,000 signatures. The Election Commission did not have the resources to check all the signatures, but it was checking a random sampling by comparing signatures with voter registrations. The Commission intended to conduct an in-depth investigation of the signatures only if the random sampling revealed significant discrepancies. Erben said he had encouraged the Commission to disqualify parties found to have forged signatures, but he suspected that the Commission would be very lenient and would not be quick to disqualify any party. Erben stated May 25 that he expected the party registration process to be complete within a month.

Voter Registration Nearing Completion

¶4. (C) The IFES Country Representative said May 25 that the Election Commission had repeated voter registration in those areas where Maoists had seized or destroyed voter rolls. He implied that the process was also now complete in those areas of the Terai and the mountains where violence and bad weather, respectively, had previously made registration

KATHMANDU 00001064 002 OF 003

impossible. The Commission was also mindful, he remarked, of those districts where citizenship certificates had recently been handed out and was prepared to repeat voter registration in those districts as well. Erben pointed out that the Election Commission had now printed out the voter rolls and was in the process of sending them out to district election officers for review. He expressed regret that the Commission did not intend to open the voter rolls to public scrutiny, but was glad that at least election officials would have the opportunity to scrutinize them for obvious errors.

Constituency Delineation Commission Under Attack

¶5. (C) Erben emphasized in both meetings that the results of the Constituency Delineation Commission continued to be a source of extreme dissatisfaction for Madhesi MPs. The IFES Representative maintained that, on the face of it, the Commission's report had not been very objectionable. It had done a good and fair job drawing boundaries, Erben argued, and he pointed out that the UN Mission in Nepal's chief electoral systems expert had agreed. Electoral boundary commissions were always controversial. The problem in this case had been the lack of consultation with Madhesis prior to the release of the Delineation Commission's findings. Emboff suggested May 25 that there might be something more involved. The Embassy had heard reports that the gerrymandering in the Terai had been particularly egregious in favor of "pahadis" (hill-origin people) and against the Madhesis. Erben said he would investigate that allegation.

Constituent Assembly Member Bill Stuck

¶6. (C) The IFES chief also mentioned the problems the Election Commission faced in preparing for the election when the Interim Parliament had yet to pass the most important election bill, the Constituent Assembly Member Bill. This was the bill that spelled out the election system and, importantly, how all the historically disadvantaged groups

would be included. It was still pending in the State Affairs Committee. Erben speculated that the MPs on the Committee would be unable to resolve the issue. This was a matter only an Eight-Party Alliance meeting could solve. Erben expressed concern that the longer the current stalemate continued the greater the risk of popular agitation. He also spoke of what he detected as growing apathy among Election Commission staff, who were beginning to wonder whether Nepal was headed, once again, to an indefinitely delayed election.

Pure Proportional System the Answer?

¶7. (C) Erben suggested May 25 that the Government of Nepal (GON) might eventually feel compelled to abandon the mixed (first-past-the-post and countrywide proportional) system laid out in the Interim Constitution in favor of a regional proportional system. Regional proportional systems were growing in favor worldwide because they combined a benefit of the first-past-the-post system -- which allowed voters to identify with their elected representatives -- with the proportional system's objective of ensuring that different political views and ethnic groups were represented. In Nepal, the fourteen existing zones (anchal) were of sufficient size to meet the requirements for this system. One advantage of this approach would be that a Constituency Delineation Commission would no longer be necessary. Candidates would be elected zone wide. The only boundaries would be zonal boundaries. Erben noted that Iraq had adopted a regional proportional system for some of the same reasons it made sense in Nepal.

Election Commission Moving Ahead

¶8. (C) The IFES representative stated that the Election Commission had finished 90 percent of the documentation required for the election -- based on its expectation of the final election law. He said the Commission had not been

KATHMANDU 00001064 003 OF 003

particularly transparent. The Commission's lack of transparency was particularly frustrating for the UN Mission in Nepal, which had a large staff who appeared, Erben said, to be greatly under-employed. This was particularly true of UN electoral advisers in the field. The Commission had now come up with a budget of USD 34 million for the Constituent Assembly election, USD 7 million of which donors had already paid. Erben characterized the budget as reasonable, although obviously subject to change given the uncertainty about the election system.

Comment

¶9. (C) Erben is an elections expert who views developments in Nepal from that technical perspective. It is well-known that the Prime Minister's Nepali Congress (NC) favors retention of at least a partial first-past-the-post system because this system favors majoritarian parties like the NC. Whether the Prime Minister will have to give up this advantage to solve the challenges facing Nepal remains to be seen.

MORIARTY